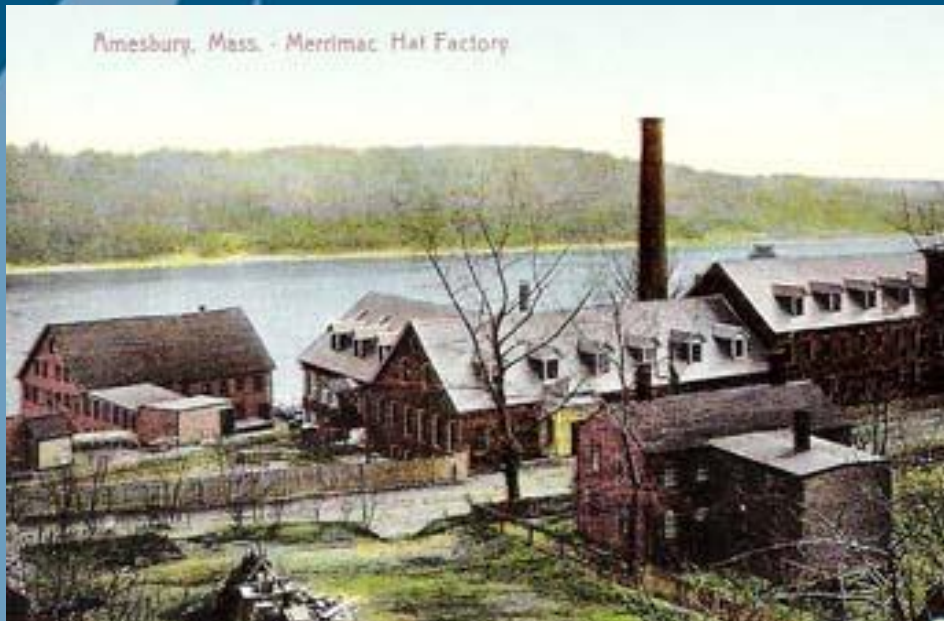


# Amesbury Brownfields Redevelopment Workshop



Kelley Race, P.G. LSP  
TRC Environmental Consultants  
August 11, 2016

# What Are Brownfields?

- Former Industrial/Commercial Sites, Schools, Churches, Meth Labs
- Unused or Abandoned
- Contaminated/Perceived to be Contaminated
- Funded with EPA or State Assessment and/or Cleanup Grants

**OPPORTUNITIES!!!**

# Brownfields Visioning



**Assess**

**Cleanup**

**Reuse**



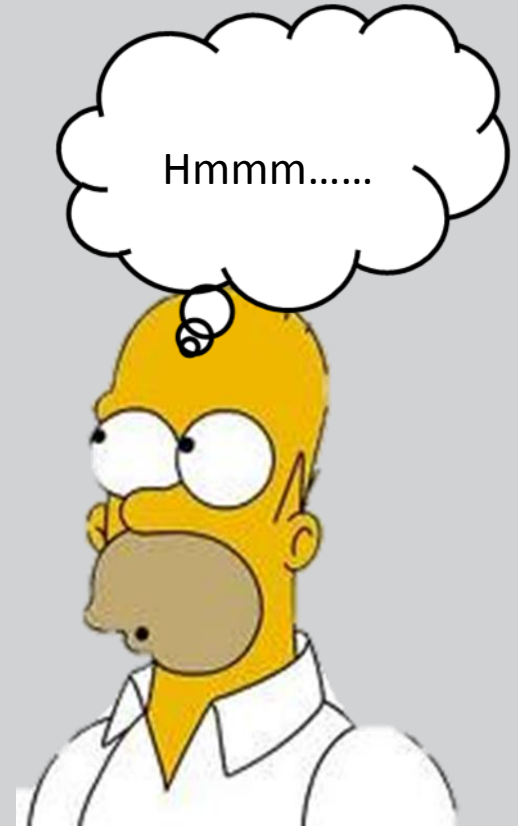
# Why Redevelop Brownfields?

- **Encourage Economic Development**
  - Jobs
  - Tax Revenues
- **Eliminate Orphaned Properties**
  - Form Partnership with Private Developers
  - Revenues at Sale
- **Preserve Open Space**
- **Create Affordable Housing**
- **Utilize Existing Infrastructure**
- **Provide Community/Downtown Revitalization**



# How Do You Decide On What Site?

- Tax Foreclosed Property
- Developer Ready/Interest
- Potential Greenspace (Municipality)
- Municipal Need (library, park, etc.)
- Site Located within a Masterplan Area
- Site with Environmental Issues (health risks)



# How Do You Fund The Project - EPA Monies

- **Assessment**

- Phase I ESAs
- Phase II ESAs
- Hazardous Building Materials Surveys



- **Cleanup Grants**

- Site Specific

- **Revolving Loan Funds (Cleanup)**

- Subgrants (municipalities and nonprofits)
- Loans (private entities)



# Why Conduct a Phase I ESA?

**The Brownfields Amendments to CERCLA provide liability defenses for landowners who qualify as:**

- ✓ **Innocent Landowners**
- ✓ **Contiguous Property Owners**
- ✓ **Bona Fide Prospective Purchasers**



# Innocent Landowner

- Did not know and “had no reason to know” of contamination prior to purchase – conduct AAI (All Appropriate Inquiry)
- Must acquire property after all disposal of hazardous waste substances at the property
- Other requirements: Legally-required notice and continuing duties

***I AM  
INNOCENT!***



# Contiguous Property Owner

- Did not cause, contribute, or consent to any release or threatened release of hazardous substances
- No reason to know of contamination prior to acquiring property – conduct AAI
- Contamination from real property that is not owned by same or affiliated entity
- Other requirements: Legally-required notices and continuing duties



# Bona Fide Prospective Purchaser

- Can purchase property with knowledge of contamination – must conduct AAI
- Must have bought property after January 11, 2002
- All disposal of hazardous substances must occur prior to acquisition of the property
- Other requirements: Legally-required notice and continuing duties



A calendar for January 2002. The title "January 2002" is at the top. The days of the week are listed in the first row: Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday. The dates are arranged in a grid. A red circle is drawn around the date 11, which is a Friday. The date 12 is a Saturday, 13 is a Sunday, 14 is a Monday, 15 is a Tuesday, 16 is a Wednesday, 17 is a Thursday, 18 is a Friday, 19 is a Saturday, 20 is a Sunday, 21 is a Monday, 22 is a Tuesday, 23 is a Wednesday, 24 is a Thursday, 25 is a Friday, 26 is a Saturday, 27 is a Sunday, 28 is a Monday, 29 is a Tuesday, 30 is a Wednesday, and 31 is a Thursday.

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

# Phase I – ASTM or MCP?

## Phase I

```
graph TD; A[Phase I] --> B[MCP ($$$)]; A --> C[ASTM ($)];
```

MCP (\$\$\$)

ASTM (\$)

- ✓ Background Data Collection
- ✓ Site Visit
- ✓ Regulatory Review

- Install borings, wells
- Collect samples
- Identify Contamination
- Recommendations
  - Additional investigation
  - Cleanup
  - Regulatory closure

- Identifies Recognized Environmental Conditions (RECs)
  - No RECS – done
  - Yes RECs – Additional Work

# Relationship of EPA Funded Brownfields to the MCP?

- Brownfields sites must be enrolled in MA program

MCP Changes

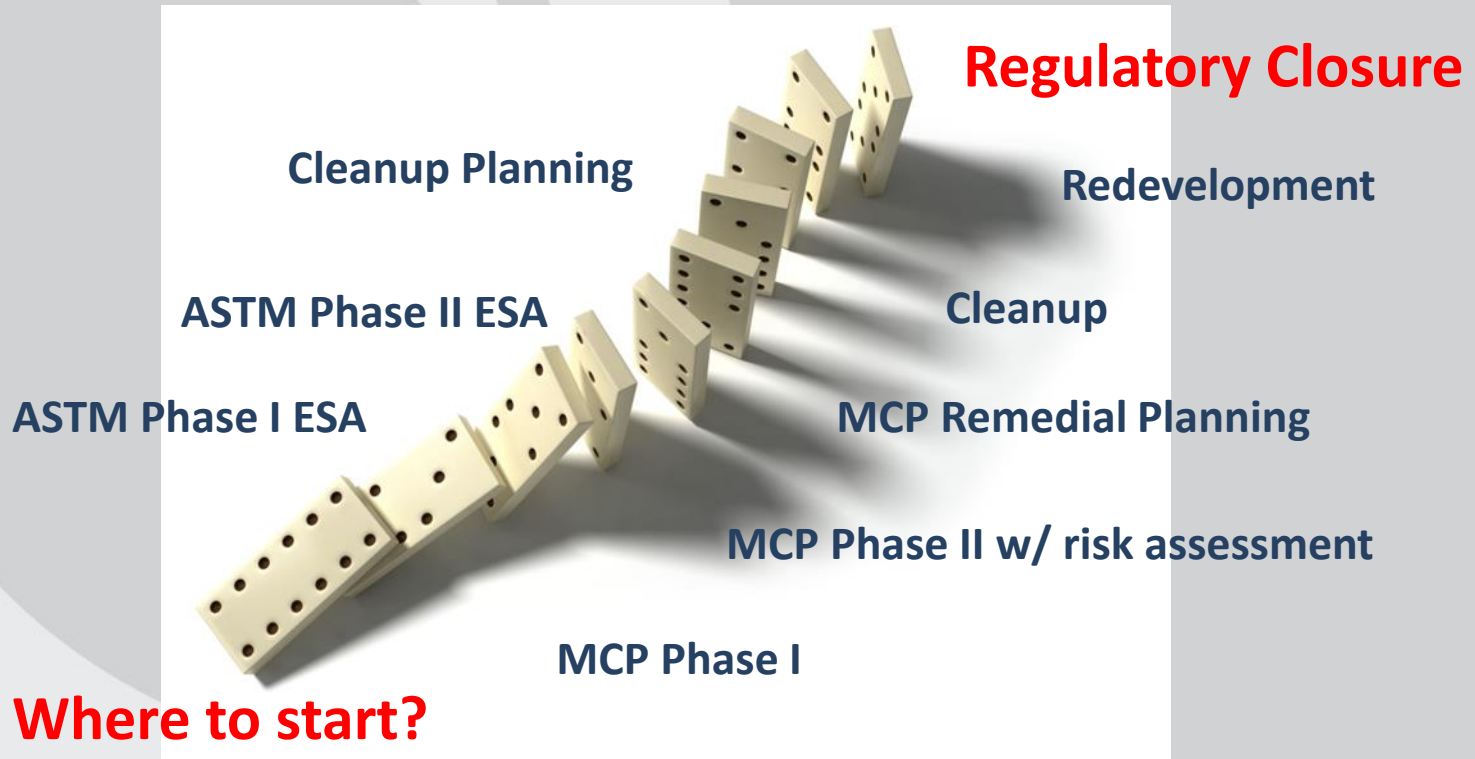


Redevelopment  
Consequences?



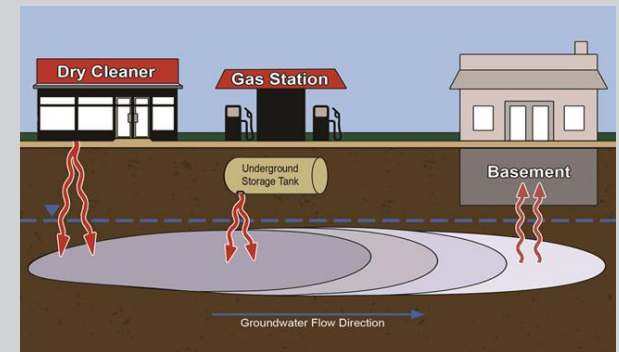


# Objective: Achieve Regulatory Closure



# ASTM Assessment Process

- **ASTM Phase I ESA**
  - Liability Protections
  - Due Diligence
  - Identifies RECs
  - 180 day Shelf Life
  - AAI
- **Phase II ESA**
  - Assess the RECs
  - Risk ?
  - Recommendations
- **Cleanup Planning**
  - Evaluates Cleanup Options
- **Assessment Sets the Stage for Redevelopment**



# MCP Process

## **MCP Phase I (ESA) Initial Site Investigation**

- Subsurface Investigation
- Reportable Concentrations
- One Year to Complete
- Regulatory Closure or Additional Assessment

## **Phase II Comprehensive Site Assessment (CSA)**

- Additional Investigation
- Evaluate Risk ?
- Regulatory Closure or Cleanup

## **Phase III - Cleanup Planning**

- Evaluates Cleanup Options

## **Phase IV – Cleanup Implementation**

## **Regulatory Closure**



# Cleanup Monies- Revolving Loan Funds (RLFs)

- **Eligibility**

- Ownership
- Phase I ESA Viability
- Application
- Redevelopment Project
- Committee Review

- **Subgrants**

- Up to \$200k

- **Loans**

- Project specific terms

- **Subgrants/Loan**

- Eligible Cleanup Activities
- Davis Bacon Compliance
- 20% cost share





# Brownfields Eligible Cleanup Activities



## EPA Eligible

- Engineering Design
- Green Remediation
- Asbestos and Lead Abatement
- Soil Excavation
- UST removals
- Soil Reuse as Capping Base



# Questions

